



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,091	11/16/2001	Mark Ireton	7916-005	9462

20306 7590 10/14/2003

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER

LE, UYEN T

ART UNIT	PAPER NUMBER
----------	--------------

2171

5

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,091

Applicant(s)

IRETON, MARK

Examiner

Uyen T Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because "the player" at line 5 lacks antecedent basis.

Claim Objections

2. Claim 8 is objected to because of the following informalities: "connection of" at line 5 should be —connecting—. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose et al (US 5,752,244).

Regarding claim 1, Rose discloses the claimed media player including a storage to store content files (see the abstract), a user interface allowing a user to make content selections (see Figure 5), a content database to manage relationships between content selections and the content files (see item 21 in Figure 4), a processor to perform at least one organization task on at least one of the content files based upon the content selection (see column 25, lines 6-47).

Regarding claims 2, 3, Rose discloses that the content files are music files and video files (see the abstract).

Regarding claim 4, Rose discloses a user interface including a display and control buttons (see Figure 5).

Regarding claim 5, Rose discloses a user interface comprising a display and alphanumeric keypad when Rose shows that the client computer is a personal computer with Window operating system (see column 25, lines 26-32).

Regarding claim 6, Rose discloses sorting the content files when Rose shows that the projects are indexed in the project table 80 (see column 7, lines 1-3).

Regarding claim 7, Rose discloses searching the content files (see Browser/Search in Figure 4).

Regarding claim 8, Rose discloses a method of updating content on a media device when Rose shows that the method stores checked-in multimedia assets (see the abstract). The claimed "receiving a user input signal to identify a selection of content files" is met when Rose shows the Browse/Search option. The claimed "accessing a database...content files" is met when Rose shows that the method allows users to obtain results to a search via the multimedia asset management program 22 (see Figure 2, lines 41-66). The claimed "connection of the player to a source of content" and "executing at least one predetermined rule...content files" are met when Rose shows that only users assigned to a project can check assets in and out of that project (see column 6, lines 60-65).

Regarding claim 9, Rose discloses that the source of content files is a media server (see the abstract).

Regarding claim 10, Rose discloses that the source of content files is a network when Rose shows that the content files are checked in and out by a plurality of users (see the abstract).

Regarding claim 11, Rose discloses adding at least one content file to the media player when Rose shows checked-in assets (see column 6, lines 60-65).

4. Claims 16-21, 23, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkes (US 2003/0110503).

Regarding claim 16, Perkes discloses all the claimed subject matter (see the abstract, Figures 1, 4). The claimed "receiving a user input...content files" is met when Perkes shows that the method receives a user request for multimedia. The claimed "accessing a database...content files" is met when Perkes shows that the method searches for data requested. The claimed "determining if any content is not already existing on the media player, connecting the player to a source of content and adding any content files not already existing on the media player" are met by the fact that the method of Perkes allows users to purchase media objects (see 0228, 0229). Clearly the method has to determine if any content is not already existing on the media player and connect the player to a source of content before purchasing.

Regarding claim 17, Perkes further discloses sequentially transferring the content file to fill play lists (see 0058).

Regarding claim 18, Perkes further discloses the concept of transferring content across play lists (see 0289).

Regarding claim 19, Perkes discloses an article containing machine-readable code for a machine to receive a user input signal to identify a selection of content files (see Figure 13), access a database of content files (see 0228), connect the player to a source of content (see 0229). The claimed "execute predefined rules...selection of content files" is met by the fact that a user selects a media for purchasing. Clearly in the process, the machine has to execute predetermined rules as claimed.

Regarding claim 20, the claimed "add content files to the media player" is met when Perkes shows that a user purchases media objects (see 0229).

Regarding claim 21, Perkes discloses deleting a content file from the media player (see 0061).

Regarding claim 23, Perkes further discloses sequentially transferring the content file to fill play lists (see 0058).

Regarding claim 24, Perkes further discloses the concept of transferring content across play lists (see 0289).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US 5,752,244), in view of Perkes (US 2003/0110503).

Regarding claim 12, although Rose does not specifically show deleting at least one content file from the media player, it is well known in the art as shown by Perkes to delete a content file from the media player (see 0061). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the method of Rose in order to allow the users to remove unwanted files from the media player.

Regarding claim 13, although Rose and Perkes do not specifically show transferring the content file to the content source prior to deleting the content file from the player, it would have been obvious to one of ordinary skill in the art to include such features in order to preserve a unique file.

Regarding claim 14, Perkes further discloses sequentially transferring the content file to fill play lists (see 0058).

Regarding claim 15, Perkes further discloses the concept of transferring content across play lists (see 0289).

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US 2003/0110503).

Regarding claim 22, although Perkes does not specifically show transferring the content file to the content source prior to deleting the content file from the player, it

would have been obvious to one of ordinary skill in the art to include such features in order to preserve a unique file.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yaung et al (US 6,446,069) teach access control system fro a multimedia datastore.

Yang et al (US 6,301,586) teach a system for managing multimedia objects.

Morris et al (US 6,097,389) teach presenting a collection of digital media in a media container.

Crecine (US 6,049,806) teaches managing a plurality of data types.

Fenton et al (US 2002/0194195) teach media content creating and publishing system and process.

Sato et al "Dynamic multimedia integration with the WWW", IEEE 1999, pages 448-451.

Nirkhe et al "Quality of Service support for networked media players", IEEE 1995, pages 234-238.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Uyen Le
Primary Examiner
AU 2171

7 October 2003